THE HONOURABLE SRI JUSTICKE R. SUBHASH REDDY

WRIT PETITION No. 12836 OF 2006

DATED 26TH JUNE, 2006

Between
Mohd.Hussain …Petitioner

And

Andhra Pradesh State Road Transport Corporation,
Rep. By its Managing Director, Musheerabad, Hyderabad and anr.

….Respondents.

THE HONOURABLE SRI JUSTICKE R. SUBHASH REDDY

WRIT PETITION No. 12836 OF 2006

ORDER:

This Writ Petition is filed questioning the final order dated 19.6.2006 in Proceedings No.PA/114(12)/05-ED(C&N) passed by the second respondent, reverting the petitioner from the post of Depot Manager to the post of Assistant Engineer, for a period of one year.

It is stated that the impugned order dated 19-6-2006 passed by the second respondent is served on the petitioner on 22-6-2006 and the petitioner has preferred appeal along with an application for grant of interim orders before the appellate authority on 23-6-2006. On the ground that the appellate authority has not considered the application for grant of interim order, the petitioner has approached this Court.

Though it is submitted by the learned Counsel that there is no express provision for passing the interim order by the appellate authority, but now it is well settled that it is an incidental power for the appellate authority to consider the application for grant of interim order.

However, it is to be seen, that as much as the appeal was filed on 23-6-2006, it cannot be said that there is an unreasonable delay on the part of the appellate authority in not considering the application for

grant of interim order. As appeal has already been preferred before the appellate authority, in which, application has also been moved for grant of interim order, I dispose of the Writ Petition keeping open to the appellate authority to consider the application for grant of interim order as expeditiously as possible, and further, direct the respondent authorities not to give effect to the impugned order dated 19-6-2006 till appropriate orders are passed on the application for grant of interim orders by the appellate authority.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

26th June, 2006.

Note :CC by tomorrow

(BO) Msnr.